

Message Text

LIMITED OFFICIAL USE

PAGE 01 STATE 011165

43

ORIGIN EB-07

INFO OCT-01 NEA-10 ISO-00 CAB-02 CIAE-00 COME-00 DODE-00

 DOTE-00 INR-07 NSAE-00 FAA-00 L-03 /030 R

DRAFTED BY EB/AN:JCOOK:DAP

APPROVED BY EB/AN:JBMAGNOR

NEA/IRN - MR. NAAS

CAB - M. PETT

L/EB - T. TALLERICO

----- 125233

R 160127Z JAN 76

FM SECSTATE WASHDC

TO AMEMBASSY TEHRAN

LIMITED OFFICIAL USE STATE 011165

E.O. 11652: N/A

TAGS: EAIR, IR

SUBJECT: CIVAIR: US-IRAN AGREEMENT AND PROPOSED TALKS

REF: TEHRAN 11156

1. EMBASSY IS REQUESTED TO INFORM APPROPRIATE IRANIAN
AUTHORITIES THAT US PROPOSES, PURSUANT TO AGREEMENT IN
MEMORANDUM OF CONSULTATION OF NOVEMBER 25, 1975, THAT
ANOTHER ROUND OF CONSULTATIONS BE HELD IN WASHINGTON
DURING WEEK OF FEBRUARY 9 TO DISCUSS ISSUES RAISED IN
IRANIAN EMBASSY NOTE OF NOVEMBER 16 (SEE REFTEL) AND
OTHER OUTSTANDING ISSUES (NO-OBJECTION FEE AND DISCOUNT
FARE). PLEASE ADVISE IRANIAN AUTHORITIES THAT
INASMUCH AS US NEGOTIATOR HAS MADE A NUMBER OF COMMITMENTS
REQUIRING HIS PRESENCE IN WASHINGTON, US DELEGATION WILL
BE UNABLE TO TRAVEL TO TEHRAN DURING MONTH OF FEBRUARY.
FYI: NOTE: THE AGREEMENT COMMITTING BOTH SIDES TO TALKS IN
JANUARY OR FEBRUARY HAS NOT BEEN SIGNED BUT WE ARE ACTING
LIMITED OFFICIAL USE

LIMITED OFFICIAL USE

PAGE 02 STATE 011165

ON ASSUMPTION THAT AGREEMENT IS STILL OPERATIVE. END FYI.

2. DEPT RECEIVED FOLLOWING NOTE FROM IRANIAN EMBASSY IN
RESPONSE TO DEPT NOTE OF DECEMBER 29 INITIATING EXCHANGE

TO FORMALIZE INTERIM AGREEMENT OF NOVEMBER 22 MEMORANDUM
OF CONSULTATIONS:

"THE IMPERIAL EMBASSY OF IRAN PRESENTS ITS COMPLIMENTS TO
THE DEPARTMENT OF STATE AND HAS THE HONOR TO ACKNOWLEDGE
RECEIPT OF THE DEPARTMENT'S NOTE DATED DECEMBER 29, 1975.

"THE IRANIAN AUTHORITIES HAVE NOW REQUESTED THAT THE
ATTENTION OF THE DEPARTMENT OF STATE BE DRAWN TO THE FACT
THAT THE FINAL PARAGRAPH OF THE MEMORANDUM OF CONSULTA-
TIONS WHICH STATES, "THE IRANIAN DELEGATION EXPRESSED ITS
VIEW THAT CHARTER FLIGHTS SHOULD NOT UNDULY AFFECT
SCHEDULED SERVICES," WAS NOT INCLUDED IN THE DEPARTMENT'S
SUBSEQUENT NOTE. IT WAS THE UNDERSTANDING OF THE
IRANIAN AUTHORITIES THAT THIS UNILATERAL STATEMENT OF
VIEW WOULD IN FACT FORM PART OF THE NOTE.

"THE IMPERIAL EMBASSY OF IRAN AVAILS ITSELF OF THIS
OPPORTUNITY TO RENEW TO THE DEPARTMENT OF STATE THE
ASSURANCES OF ITS HIGHEST CONSIDERATION.

"WASHINGTON, D.C., JANUARY 9, 1976."

3. THE TWO FINAL PARAGRAPHS OF THE MEMORANDUM OF CONSUL-
TATIONS (SEE REFTEL) WERE MERELY UNILATERAL STATEMENTS
BY EACH SIDE WITH NO BINDING EFFECT ON THE US AND IRANIAN
GOVERNMENTS. DEPT INTENDS TO REPLY TO ABOVE NOTE BY
STATING US VIEW THAT UNILATERAL STATEMENTS ARE NOT PART
OF SUBSTANTIVE AGREEMENT AND THAT BY THE TERMS OF THE
MEMORANDUM OF CONSULTATIONS, THE AGREED POINTS WERE
LIMITED TO THE ENNUMERATED PARAS. IT WAS FOR THIS
REASON THAT DEPT SPECIFICALLY OMITTED THE LAST TWO
PARAS FROM ITS NOTE OF DECEMBER 29TH INITIATING THE
EXCHANGE TO FINALIZE THE AGREEMENT.

4. DEPT IS CURIOUS WHETHER THIS ACTION BY GOI IS PLOY
LIMITED OFFICIAL USE

LIMITED OFFICIAL USE

PAGE 03 STATE 011165

TO AVOID SIGNING FORMAL AGREEMENT AND IF SO WHY. (IS GOI,
FOR EXAMPLE, TAKING ADVANTAGE OF OMITTED PARAS TO
SECURE TACTICAL ADVANTAGE IN UPCOMING TALKS?) DEPT
WOULD APPRECIATE INFO ON WHETHER THE NO-OBJECTION FEE
IS IN FACT BEING COLLECTED BY IRAN AIR FROM US CHARTER
CARRIERS OR FROM PAA. AS EMBASSY IS AWARE, CAB AND USG
HAVE HELD OFF FURTHER ACTION AGAINST DISCOUNT FARE ON
ASSUMPTION THAT THERE IS A DEFACTO UNDERSTANDING

BETWEEN THE TWO GOVERNMENTS. IN ADDITION TO REPORT ON
STATUS OF NON-OBJECTION FEE DEPT WOULD ALSO APPRECIATE
REPORT OF ANY OTHER PROBLEMS NOW ENCOUNTERED BY US
CHARTER CARRIERS OPERATING TO IRAN. KISSINGER

LIMITED OFFICIAL USE

NNN

Message Attributes

Automatic Decaptioning: X
Capture Date: 01 JAN 1994
Channel Indicators: n/a
Current Classification: UNCLASSIFIED
Concepts: DIPLOMATIC NOTES, AIR FARES, AVIATION AGREEMENTS, NEGOTIATIONS
Control Number: n/a
Copy: SINGLE
Draft Date: 16 JAN 1976
Decaption Date: 01 JAN 1960
Decaption Note:
Disposition Action: RELEASED
Disposition Approved on Date:
Disposition Authority: morefirh
Disposition Case Number: n/a
Disposition Comment: 25 YEAR REVIEW
Disposition Date: 28 MAY 2004
Disposition Event:
Disposition History: n/a
Disposition Reason:
Disposition Remarks:
Document Number: 1976STATE011165
Document Source: CORE
Document Unique ID: 00
Drafter: JCOOK:DAP
Enclosure: n/a
Executive Order: N/A
Errors: N/A
Film Number: D760017-0273
From: STATE
Handling Restrictions: n/a
Image Path:
ISecure: 1
Legacy Key: link1976/newtext/t19760149/aaaabrhc.tel
Line Count: 119
Locator: TEXT ON-LINE, ON MICROFILM
Office: ORIGIN EB
Original Classification: LIMITED OFFICIAL USE
Original Handling Restrictions: n/a
Original Previous Classification: n/a
Original Previous Handling Restrictions: n/a
Page Count: 3
Previous Channel Indicators: n/a
Previous Classification: LIMITED OFFICIAL USE
Previous Handling Restrictions: n/a
Reference: 76 TEHRAN 11156
Review Action: RELEASED, APPROVED
Review Authority: morefirh
Review Comment: n/a
Review Content Flags:
Review Date: 09 JUN 2004
Review Event:
Review Exemptions: n/a
Review History: RELEASED <09 JUN 2004 by GarlanWA>; APPROVED <09 JUN 2004 by morefirh>
Review Markings:

Margaret P. Grafeld
Declassified/Released
US Department of State
EO Systematic Review
04 MAY 2006

Review Media Identifier:
Review Referrals: n/a
Review Release Date: n/a
Review Release Event: n/a
Review Transfer Date:
Review Withdrawn Fields: n/a
Secure: OPEN
Status: NATIVE
Subject: CIVAIR: US-IRAN AGREEMENT AND PROPOSED TALKS
TAGS: EAIR, IR, US
To: TEHRAN
Type: TE
Markings: Margaret P. Grafeld Declassified/Released US Department of State EO Systematic Review 04 MAY 2006